

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FLORA GONZALES,

Plaintiff,

No. C 18-06630 WHA

V.

EMERITUS CORPORATION, et al.,

Defendants.

**ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S MOTION TO SEAL**

Plaintiff's counsel filed a motion to withdraw stating that "Burton Employment Law cannot, in accordance with its professional and ethical duties, set forth the precise circumstances that have brought about this motion" (Dkt. 35). To rule on the motion to withdraw, the judge requested that plaintiff's counsel file under seal an explanation of why plaintiff made it unreasonably difficult to carry out effective representation (Dkt. 37). Plaintiff's counsel did so, submitting a declaration explaining that plaintiff failed to respond to multiple attempts to reach her (Dkt. 38). Plaintiff's counsel appended to the declaration emails to plaintiff, a letter warning plaintiff that counsel would seek dismissal of the case if she did not respond, and a Federal Express receipt for the letter. Plaintiff's counsel argued in the motion to seal that the declaration and its attachments contain privileged attorney-client communications.

Though it is reasonable for plaintiff’s counsel to keep communications with plaintiff confidential based on professional and ethical obligations, the declaration and its attachments serve as the basis for the ruling on the motion to withdraw (Dkt. 44). Upon review, this order finds that only two of the communications contain privileged attorney-client communications, namely an email dated April 26 and a follow-up email dated May 17 which request case-specific information (Dkt. 38-8, Exh. C). Plaintiff’s last-known phone number also warrants sealing. Beside the April 26 and May 17 email and the redaction of plaintiff’s phone number, the rest of the documents evidencing counsel’s communication attempts should remain public.

Plaintiff's counsel shall refile these documents publicly in line with this order no later than **NOVEMBER 4, 2021 AT NOON.**

IT IS SO ORDERED.

Dated: October 28, 2021

Wm. Alsup
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE